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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,982	02/01/2002	Ken Kutaragi	SCEIYA 3.0-117	9131
530	7590	05/13/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ARTHUR JEANGLAUDE, GERTRUDE	
		ART UNIT		PAPER NUMBER
		2144		

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/061,982	KUTARAGI ET AL.
	Examiner Gertrude Arthur-Jeanglaude	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 February 2002.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 and 14-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 and 14-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 7/01/02.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

Claim 13 is omitted in the sequence of claims and is not indicated to be a canceled claim. Applicant's representative is required to properly arrange the sequence of the claims according to rule 1.121. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the phrase "means for preparing data for preparing requested data" is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark. (U.S. Patent No. 5,383,112)

As to claims 1, 15, 16-17, 19, 21, 23, Clark discloses in Fig. 2 a computer system comprising a plurality of computers (64,66) each capable of being loaded with a recording medium (19); a server (15) capable of being connected with the computers via a network (See abstract), it further discloses a database associated with the server for accumulating user information corresponding to the recording medium ID (See Fig. 5; col. 7, lines 41-49; col. 11, lines 38-49); Clark discloses the server comprises means for obtaining recording medium ID from one of the plurality of computers when that one computer issues a communication request (user input), and means for identifying the recording medium based on the recording medium ID and the user information in the database, whereby communication is able to be established between the server and a computer specified by one of the plurality of computers in response to the identified recording medium (col. 10, lines 61-68- col. 11, lines 1-15).

As to claims 2-3, Clark discloses the computer that issues a communication request is the same as the computer that establishes communication with the server; and the computer that issues a communication request is different from the computer that establishes communication with the server (See col. 9, lines 54-68- col. 10, lines 1-14; col. 8, lines 52-68).

As to claim 4, Clark discloses the recording medium contains at least one of programs and data (See col. 5, lines 36-46); and the computer system further comprising means for identifying (See "unique codes" in abstract) at least one of programs and data stored the identified recording medium.

As to claim 5, Clark discloses the communication is able to be established for

uploading or downloading of one of programs and data (see col. 25, lines 41-49).

As to claim 6, Clark discloses means for preparing data for performing at least one upgrading and debugging for the identified at least one of programs and data, as data for updating (See col. 26, lines 54-68).

As to claim 7, Clark discloses the means for preparing data for preparing requested data corresponding to status and the identified recording medium; the recording medium contains least one programs and data; and the computers each comprise means for supplying to the server at least one programs and data stored in the recording medium (See abstract; col. 5, lines 36-46).

As to claim 8, Clark discloses each of the computers have unique device IDs; the user information in the database contains information relating the device IDs; and the server further comprises: means obtaining the device IDS from the computers when the computers request the data; means for identifying the computers based the device IDS and the user information in the database (See abstract; col. 25, lines 20-40).

As to claim 9, Clark discloses each user of each of the computers has a unique user ID (employee ID); the user information in the database contains information relating to the user IDs; and the server further comprises means for obtaining the user IDS from the computers when the computers request the data; and means for identifying the user based on the user and the user information in the database (See abstract; col. 10, lines 61-68; col. 25, lines 22-40, 63-67).

As to claim 10, Clark discloses the server is connected, via a network, further to at least one content server having digital content (See col. 9, lines 60-68-col. 10, lines 1-3).

As to claims 11, 14, Clark discloses the server further comprises: means for performing verification based on the recording medium and means for judging whether permit providing of the digital content from the content server the computer, based on the results of the verification (See col. 10, lines 61-68, col. 16, lines 49-67).

As to claims 12, 18, 20, 22, 24, Clark discloses in Fig. 2 a storage medium and computer system comprising: a plurality of computers (64, 66) each capable of being loaded with a recording medium (19) storing at least one of programs and data; and a server (15) capable being connected with the computers via a network, wherein the computers each comprise means supplying the server status of the at least one of programs and data stored the recording medium; and the server comprises: means obtaining the status from the computers when the computers request data; means for preparing the requested data according to the status; and means for transmitting the requested data to the computer (See Fig. 5; col. 7, lines 41-49; col. 11, lines 38-49; col. 10, lines 61-68- col. 11, lines 1-15; col. 16, lines 59-66).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ



May 6, 2005



GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER